

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-00645-JSR**

The New York Times Company et al v. United States
Department of State
Assigned to: Judge Jed S. Rakoff
Cause: 05:552 Freedom of Information Act

Date Filed: 01/23/2019
Date Terminated: 09/24/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

The New York Times Company

represented by **Al-Amyn Shiraz Sumar**
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Plaintiff

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V.

Defendant

United States Department of State

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Date Filed	#	Docket Text
01/23/2019	<u>1</u>	COMPLAINT against United States Department of State. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16228536) Document filed by The New York Times Company, Eric Lipton.(McCraw, David) (Entered: 01/23/2019)
01/23/2019	<u>2</u>	CIVIL COVER SHEET filed. (McCraw, David) (Entered: 01/23/2019)
01/23/2019	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate Blackrock, Inc. for The New York Times Company. Document filed by The New York Times Company.(McCraw, David) (Entered: 01/23/2019)
01/23/2019	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of State, re: <u>1</u> Complaint. Document filed by Eric Lipton, The New York Times Company. (McCraw, David) (Entered: 01/23/2019)
01/24/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge John G. Koeltl. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (jgo) (Entered: 01/24/2019)
01/24/2019		Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (jgo) (Entered: 01/24/2019)
01/24/2019		Case Designated ECF. (jgo) (Entered: 01/24/2019)
01/24/2019	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of State. (jgo) (Entered: 01/24/2019)
01/30/2019		NOTICE OF CASE REASSIGNMENT to Judge Jed S. Rakoff. Judge John G. Koeltl is no longer assigned to the case. (ma) (Entered: 01/30/2019)
02/11/2019	<u>6</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against United States Department of State. Document filed by The New York Times Company, Eric Lipton. Related document: <u>1</u> Complaint.(McCraw, David) (Entered: 02/11/2019)
02/11/2019	<u>9</u>	NOTICE OF COURT CONFERENCE: Initial Conference set for 2/21/2019 at 11:00 AM in Courtroom 14B, 500 Pearl Street, New York, NY 10007 before Judge Jed S. Rakoff, as further set forth in this order. (Signed by Judge Jed S. Rakoff on 2/11/2019) (jwh) (Entered: 03/21/2019)
02/14/2019	<u>7</u>	NOTICE OF APPEARANCE by Joseph Nicholas Cordaro on behalf of United States Department of State. (Cordaro, Joseph) (Entered: 02/14/2019)
02/14/2019		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/14/2019. (Kotowski, Linda) (Entered: 02/19/2019)

03/13/2019	<u>8</u>	ANSWER to <u>6</u> Amended Complaint. Document filed by United States Department of State.(Cordaro, Joseph) (Entered: 03/13/2019)
05/08/2019		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 5/8/2019. (Kotowski, Linda) (Entered: 05/09/2019)
05/09/2019		Minute Entry for proceedings held before Judge Jed S. Rakoff: (Oral Argument set for 7/1/2019 at 03:30 PM before Judge Jed S. Rakoff.). (Kotowski, Linda) (Entered: 05/09/2019)
05/21/2019	<u>10</u>	MOTION for Summary Judgment . Document filed by United States Department of State.(Aronoff, Peter) (Entered: 05/21/2019)
05/21/2019	<u>11</u>	MEMORANDUM OF LAW in Support re: <u>10</u> MOTION for Summary Judgment . . Document filed by United States Department of State. (Aronoff, Peter) (Entered: 05/21/2019)
05/21/2019	<u>12</u>	DECLARATION of Eric F. Stein in Support re: <u>10</u> MOTION for Summary Judgment .. Document filed by United States Department of State. (Attachments: # <u>1</u> Vaughn index, # <u>2</u> FOIA request, # <u>3</u> State acknowledgment letter (Nov. 17, 2017), # <u>4</u> State release letter (Apr. 2, 2019), # <u>5</u> State release letter (May 1, 2019), # <u>6</u> State release letter (May 21, 2019), # <u>7</u> complete set of records as released)(Aronoff, Peter) (Entered: 05/21/2019)
05/21/2019	<u>13</u>	DECLARATION of Joel Szabat in Support re: <u>10</u> MOTION for Summary Judgment .. Document filed by United States Department of State. (Aronoff, Peter) (Entered: 05/21/2019)
05/21/2019	<u>14</u>	DECLARATION of Michael Bell in Support re: <u>10</u> MOTION for Summary Judgment .. Document filed by United States Department of State. (Aronoff, Peter) (Entered: 05/21/2019)
06/04/2019	<u>15</u>	NOTICE OF APPEARANCE by Dana Robinson Green on behalf of Eric Lipton, The New York Times Company. (Green, Dana) (Entered: 06/04/2019)
06/04/2019	<u>16</u>	NOTICE OF APPEARANCE by Al-Amyn Shiraz Sumar on behalf of Eric Lipton, The New York Times Company. (Sumar, Al-Amyn) (Entered: 06/04/2019)
06/04/2019	<u>17</u>	CROSS MOTION for Summary Judgment . Document filed by Eric Lipton, The New York Times Company.(McCraw, David) (Entered: 06/04/2019)
06/04/2019	<u>18</u>	MEMORANDUM OF LAW in Support re: <u>17</u> CROSS MOTION for Summary Judgment . . Document filed by Eric Lipton, The New York Times Company. (McCraw, David) (Entered: 06/04/2019)
06/17/2019	<u>19</u>	REPLY MEMORANDUM OF LAW in Support re: <u>10</u> MOTION for Summary Judgment . <i>and in opposition to plaintiffs' cross-motion</i> . Document filed by United States Department of State. (Aronoff, Peter) (Entered: 06/17/2019)
06/17/2019	<u>20</u>	DECLARATION of Michael Bell in Support re: <u>10</u> MOTION for Summary Judgment .. Document filed by United States Department of State. (Aronoff, Peter) (Entered: 06/17/2019)
06/24/2019	<u>21</u>	REPLY MEMORANDUM OF LAW in Support re: <u>17</u> CROSS MOTION for Summary Judgment . . Document filed by Eric Lipton, The New York Times Company. (McCraw, David) (Entered: 06/24/2019)
07/01/2019		Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument held on 7/1/2019 re: <u>10</u> MOTION for Summary Judgment . filed by United States Department of State, <u>17</u> CROSS MOTION for Summary Judgment . filed by The New York Times Company, Eric Lipton. (Kotowski, Linda) (Entered: 07/01/2019)
07/05/2019	<u>22</u>	NOTICE of Departure from the United States Attorney's Office and Request for Termination of Appearance of AUSA Joseph N. Cordaro. Document filed by United States Department of State. (Cordaro, Joseph) (Entered: 07/05/2019)
07/09/2019	<u>23</u>	MEMORANDUM ORDER granting in part and denying in part <u>10</u> Motion for Summary Judgment; granting in part and denying in part <u>17</u> Motion for Summary Judgment: For the foregoing reasons, the Court holds that State's redactions are justified under Exemption 5, subject to the two exceptions discussed above.

		Accordingly, each party's motion is granted in part and denied in part. Within one week of the date hereof, State must release the two small portions of the communications for which redaction is not justified. The Clerk is directed to close the entries at docket numbers 10 and 17. (Signed by Judge Jed S. Rakoff on 7/9/2019) (jwh) (Entered: 07/09/2019)
09/19/2019	<u>24</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Department of State. (Aronoff, Peter) (Entered: 09/19/2019)
09/19/2019		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/19/2019. (Kotowski, Linda) (Entered: 09/24/2019)
09/24/2019	<u>25</u>	STIPULATION AND ORDER: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties, as follows: 1. As soon as reasonably practicable after the Court has endorsed and docketed this Stipulation and Order, the State Department shall pay to plaintiffs the sum of one thousand, eight hundred dollars (\$1,800) for attorneys' fees and litigation costs. This payment shall constitute full and final satisfaction of any claims by plaintiffs for attorneys' fees and litigation costs in this matter, and is inclusive of any interest. Payment shall be made by electronic funds transfer, and counsel for plaintiffs will provide the necessary information to counsel for the State Department to effectuate the transfer. 2. Plaintiffs release and discharge the State Department and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that plaintiffs asserted, or could have asserted, in this litigation arising out of plaintiffs' November 15, 2017 FOIA request. 3. This action is hereby dismissed with prejudice and without costs or fees other than as provided in paragraph 1 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that might arise relating to the enforcement of this Stipulation and Order, and as further set forth in this stipulation. Approved. Clerk to close case. (Signed by Judge Jed S. Rakoff on 9/21/2019) (jwh) (Entered: 09/24/2019)